

**PUBLIC NOTICE  
OF INTENT TO PROPOSE OR PROMULGATE  
NEW OR CHANGED AGENCY RULES**

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

**IDAPA 01 - STATE BOARD OF ACCOUNTANCY  
PO Box 83720, Boise ID 83720-0002**

Docket No. **01-0101-9701**, Rules of the Board of Accountancy. Changes allow a "grandfather" provision for the Uniform Certified Public Accountant exam candidates who have met the educational requirements and are accepted to sit for the exam prior to 7/1/2000. Comment By: October 22, 1997.

**IDAPA 02 - DEPARTMENT OF AGRICULTURE  
P.O. Box 790, Boise, ID 83701-0790**

Docket No. **02-0303-9701**, Pesticide Use and Application Rules. Amends the recertification method and period for professional applicators and dealers; allows licensed dealers to make pesticide use recommendations in certified categories; establishes expiration date and recertification process for mixer/loader licenses; will modify wind restrictions, low-flying requirements, and associated aerial application regulations to address FAA concerns; updates recordkeeping requirements; changes insurance information and coverage requirements. Comment By: October 22, 1997.

Docket No. **16-0414-9701**, Rules Governing Dairy Waste. Adopts by reference the 1997 amended version of the 1993 Idaho Waste Management Guidelines for Confined Feeding Operations and amend definitions for non-compliance, discharge violations, and livestock. Comment By: October 22, 1997.

**IDAPA 07 - DIVISION OF BUILDING SAFETY  
PO Box 83720, Boise ID 83720-0068**

Docket No. **07-0206-9701**, Rules Governing Uniform Plumbing Code. Allows for use of the current addition of the Uniform Plumbing Code and amends the Code to be less restrictive in some areas. Comment By: October 22, 1997.

Docket No. **07-0206-9702**, Rules Governing Uniform Plumbing Code. Provides alternate method of venting plumbing fixtures. Comment By: October 22, 1997.

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE  
P.O. Box 83720, Boise, ID 83720-0036**

Docket No. **16-0309-9711**, Rules Governing Medical Assistance. Deletes requirement for Indian Health providers to bill dental services on the dental form and be paid on the fee-schedule. Comment By: October 22, 1997.

Docket No. **16-0403-9701**, Rules Governing Fees for Mental Health Center Services. Proposes to charge insurance company full charge and then apply the sliding scale fee to the client after the insurance company has paid the amount they are obligated for under the client's policy. Comment By: October 22, 1997.

Docket No. **16-0406-9701**, Rules Governing Fee for Adult and Child Development Center Services. Proposes to charge insurance company full charge and then apply the sliding scale fee to the client after the insurance company has paid the amount they are obligated for under the client's policy. Comment By: October 22, 1997.

Docket No. **16-0415-9701**, Rules Governing Homemaker Services. Repeal of chapter. Comment By: October 22, 1997.

Docket No. **16-0607-9701**, Rules Governing Juvenile Justice Services. Repeal of chapter. Comment By: October 22, 1997.

**IDAPA 18 - DEPARTMENT OF INSURANCE  
P.O. Box 83720, Boise, ID 83720-0043**

Docket No. **18-0126-9701**, Health Maintenance Organizations. Repeal of chapter. Comment By: October 22, 1997.

Docket No. **18-0126-9702**, Managed Care Reform Act. Rewrite of chapter sets forth financial solvency requirements for managed care organizations and establishes procedures for provider billings. Comment By: October 22, 1997.

Docket No. **18-0153-9701**, Continuing Education. Change term limits for members of the Continuing Education Committee, and modifies the continuing education requirements for insurance agents. Comment By: October 22, 1997.

Docket No. **18-0162-9701**, Annual Audited Financial Reports. Changes deadline for insurers to file annual audited financial reports with Department from June 30 to June 1 to make Idaho's filing deadline consistent with that of other states. Comment By: October 22, 1997.

Docket No. **18-0169-9701**, Small Employer Health Insurance Availability Act. Conforms to statutory changes and adds tobacco and geography as case characteristics; allows up to six geographic areas for case characteristic purposes; requires that geographic areas be no smaller than a county; changes from 49 to 50 the maximum number of employees to remain within the definition of a small employer; adds references to a catastrophic health plan; and eliminates language concerning rescission of health plans. Comment By: October 22, 1997.

Docket No. **18-0170-9701**, Rule to Implement the Small Employer Health Insurance Availability Act Plan Design. Provides for small employer catastrophic health insurance plan in accordance with Idaho Code. Comment By: October 22, 1997.

Docket No. **18-0173-9701**, Rule to Implement the Individual Health Insurance Availability Act Plan Design. Provides for an individual catastrophic health insurance plan in accordance with Idaho Code. Comment By: October 22, 1997.

Docket No. **18-0174-9701**, Coordination of Benefits Rule. Permits insurance plans to include provisions for coordination of benefits when coverage is provided for by more than one plan; establishes a uniform order of benefit determination; provides for transfer of information between plans; and imposes requirements for coordination of benefits provisions. Comment By: October 22, 1997.

#### **IDAPA 20 - IDAHO DEPARTMENT OF LANDS P.O. Box 83720, Boise, ID 83720-0050**

Docket No. **20-0602-9701**, Licensing and Checkscales of the Idaho Board of Scaling Practices. Repeal of chapter. Comment By: October 22, 1997.

Docket No. **20-0602-9702**, General Rules, Licensing, and Check Scales of the Idaho Board of Scaling Practices. Rewrite of chapter. Comment By: October 22, 1997.

Docket No. **20-0603-9701**, Scaling Specifications and Check Scaling Standards of the State Board of Scaling Practices. Repeal of chapter. Comment By: October 22, 1997.

Docket No. **20-0603-9702**, Measurement Rules for Forest Products of the State Board of Scaling Practices. Rewrite of chapter. Comment By: October 22, 1997.

Docket No. **20-06064-9701**, Forest Products Measurement for the Purpose of Payment for Logging or Hauling Logged Forest Products Only. Repeal of chapter. Comment By: October 22, 1997.

#### **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES 1109 Main Street, Suite 220, Boise, ID 83702**

Docket No. **24-0201-9701**, Rules of the Board of Barber Examiners. Adds definitions; changes deadline for filing applications for exams; adds new barber instructor requirements; changes requirement for licensure by endorsement; deletes optional service on practical examination; adds approved water source criteria; updates the inspection and sanitary rules for barber schools and establishments; delete obsolete and other changes. Comment By: October 22, 1997.

Docket No. **24-0301-9701**, Rules of the State Board of Chiropractic Physicians. Establishes rules regarding peer review and purpose and composition of peer review committee, committee criteria, standards and procedures in conducting a review, and who may utilize the committee services; sets forth the forms for submission of request for review; establishes fee structure for reviews; adds definitions. Comment By: October 22, 1997.

Docket No. **24-0401-9701**, Rules of the Idaho Board of Cosmetology. Changes practical examination passing score and criteria for reexamination; changes reference to theory examination to written examination; adds that failure of certain exams will not require completion of additional training prior to the first reexam; deletes requirement to complete minimum operations in categories for additional training. Comment By: October 22, 1997.

Docket No. **24-0601-9701**, Rules of the Board of Hearing Aid Dealers and Fitters. Changes the annual statement due date to the time of annual renewal. Comment By: October 22, 1997.

Docket No. **24-0802-9701**, Rules of the State Board of Mortician Examiners Governing Crematories in Idaho. Crematory law change transferred crematory licensing from Health and Welfare to the Board of Mortician Examiners. Comment By: October 22, 1997.

Docket No. **24-0901-9701**, Rules of the Board of Examiners of Nursing Home Administrators. Requires passing national exam for reciprocity licensure; establishes criteria for trainees for fulfilling requirements for working and instruction; changes phases required of a nursing home administrator-in-training; deletes six month extension on a temporary permit, provision for and fee for issuance of emergency permit; changes in terminology. Comment By: October 22, 1997.

Docket No. **24-1101-9701**, Rules of the State Board of Podiatry. Defines podiatric residency; clarifies submission date for exam application; applicants must file residency certification for credentials; establishes date applicants will be interviewed, when exams will be held and subject matter covered in exams; establishes continuing education criteria; adopts the American Podiatric Medical Association's Code of Ethics. Comment By: October 22, 1997.

Docket No. **24-1101-9702**, Rules of the State Board of Podiatry. Increases original license fee to \$50 and annual renewal fee to \$150. Comment By: October 22, 1997.

Docket No. **24-1201-9701**, Rules of the State Board of Psychologist Examiners. Increases annual renewal fee to \$200. Comment By: October 22, 1997.

Docket No. **24-1401-9701**, Rules of the State Board of Social Work Examiners. Increases application and original license fees for certified social worker, private and independent practice and social work to \$40; establishes \$45 fee for endorsement and license fee for private and independent practice; increases renewal fee for certified social worker, those with private and independent practice and social worker to \$40; clarifies when continuing education credits may be used and what is to be included on the reporting form for courses; licensees must keep continuing education documentation for 3 years subject to Board audit. Comment By: October 22, 1997.

Docket No. **24-1501-9701**, Rules of the Idaho Counselor Licensing Board. Establishes rules for pastoral care counselors; requirement for the supervision of the practicum; continuing education requirement; pastoral care applicants must pass national counselor examination; application fee-\$75; examination and reexamination fee-\$50; original license fee-\$75; and annual renewal fee-\$60. Comment By: October 22, 1997.

Docket No. **24-1901-9701**, Rules of the Board of Residential Care Facility Administrators. Clarifies application documentation; dates and times of board meetings and examinations and contents of examination; terminates applications if examination is not passed within two (2) years from first examination; and defines "emergency" for purposes of issuance of temporary permit. Comment By: October 22, 1997.

#### **IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD 1365 North Orchard, Suite 172, Boise, ID 83706**

Docket No. **25-0101-9701**, Rules of the Outfitters and Guides Licensing Board. Adds goat packing and parasailing as hazardous excursions; adds the word "inactivity" to the definition of "Nonuse"; failure to obey Board order is form of unethical or unprofessional conduct; provide for one-time employment of guide on temporary basis; clarifies when applications for licensure are due; procedure for amending outfitter's license; provides for new outfitting activities on the Boise and Payette Rivers; defines standard term of probation; and others. Comment By: October 22, 1997.

#### **IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION P. O. Box 83720, Boise, ID 83720-0010**

Docket No. **26-0130-9701**, Idaho Safe Boating Rules. Amends the definition of "watercraft" to conform with Legislative definition of "vessel" and excludes "float houses" from definition of "watercraft"; deletes language concerning personal floatation devices on vessels under 16 feet; establishes requirements and procedures for statutorily mandated education of rental personal watercraft operators, for issuance of vessel registrations and hull identification numbers; deletes outdated language regarding use permits. Comment By: October 22, 1997.

#### **IDAPA 27 - IDAHO BOARD OF PHARMACY 280 N. 8th St., Ste. 204, Boise, ID 83702**

Docket No. **27-0101-9701**, Rules of the Idaho Board of Pharmacy. Changes license ineligibility; specifies type of over-the-counter ephedrine drugs available; sets specific requirements for a prescription; sets guidelines for chain drug stores to use common electronic files to maintain prescription records and for electronic transmission of prescriptions from practitioner to pharmacist; provides for collaborative agreements between pharmacists and prescribing practitioners regarding implementation and modification of drug therapy; administrative discipline in other states constitutes grounds for administrative discipline in Idaho; change in duties of pharmacy support personnel; registration of durable medical equipment outlets and what they are allowed to sell; specifies all fees charged by Board are annual and not prorated; changes due date for annual controlled substance fees, non-pharmacy outlet fees, durable medical equipment outlets fees, and registration of pharmacy support personnel fees; changes word "triplicate" to "duplicate"; changes the triplicate filing program to conform to the duplicate filing program; changes reporting requirements for duplicate prescriptions in conformance with the change in the law. Comment By: October 22, 1997.

**IDAPA 35 - STATE TAX COMMISSION**  
**P.O. Box 36, Boise, Idaho 83722**

Docket No. **35-0101-9702**, Income Tax Rules. Clarifies allocation of expenses between Idaho and non-Idaho municipal income when taxpayer has both; clarifies the calculation of the interest expense offset related to tax-exempt interest. Comment By: October 22, 1997.

Docket No. **35-0101-9703**, Income Tax Rules. Unitary determination is based on activities and relationships of all affiliated corporations regardless of whether a water's edge election is made; requires a taxpayer to provide access to records that identify property, payroll, and sales by state when requested and possible penalty for failure to do so; departure ratio will be used to determine the use of airplanes in Idaho for purposes of the property factor numerator; addresses common ownership for purposes of determining whether a corporation is an affiliate; corresponds with the legislative change that the spreadsheet may be filed up to six months after the due date including extensions of the return. Comment By: October 22, 1997.

Docket No. **35-0101-9704**, Income Tax Rules. Clarifies place of abode; distinguishes that the Idaho addition for transactions related to a medical savings account are for those related to an Idaho medical savings account; makes certain lottery winnings taxable; clarifies that pass-through entities can not claim a net operating loss deduction; individuals who file married filing separate are not entitled to the deduction for certain retirement benefits; clarifies that holding period of property and use capital gains deduction; reflects new filing date for farmer's cooperatives; clarifies the calculation of estimated tax does not include nonincome tax credits which may have been claimed on previous year's tax return or claimed on the current year's corporate income tax return; addresses filing of protective claim when statute of limitations is close to expiring on an Idaho income tax return; addresses request for prompt action on behalf of a decedent, requirements for valid request, that it does not apply to the estate tax or to a return that has not been filed. Comment By: October 22, 1997.

Docket No. **35-0101-9705**, Income Tax Rules. Clarifies which taxes qualify for credit for taxes paid another state and how the credit is calculated; departure ratio will be used to determine the use of aircraft in Idaho for purposes of calculating the Idaho investment credit; replacement property is property that performs the same or similar functions as the property being replaced. Comment By: October 22, 1997.

Docket No. **35-0101-9706**, Income Tax Rules. Changes conform to legislative changes. Comment By: October 22, 1997.

Docket No. **35-0102-9701**, Sales and Use Tax Rules. Exempts sales of coupon books from sales tax; exempts purchasers of dry-to-dry transfer systems from sales tax and sales of repair parts for such systems are subject to sales tax; amusement device permits are transferable after written notice is received and acknowledged by Commission; corrects typographical errors. Comment By: October 22, 1997.

Docket No. **35-0103-9706**, Property Tax Rules. Corrects references to Idaho Code for public records that are in error. Comment By: October 22, 1997.

Docket No. **35-0103-9707**, Property Tax Rules. Implement procedures and defines terminology of application process for remediated land exemption. Comment By: October 22, 1997.

Docket No. **35-0103-9708**, Property Tax Rules. Clarifies that Tax Commission can release residency information from income tax returns to assessors for determining residency status for the homeowner's exemption. Comment By: October 22, 1997.

Docket No. **35-0103-9709**, Property Tax Rules. Eliminates language regarding determining household income when one or both spouses reside in a nursing home or similar facility and statutorily provided requirements for proving non-household member status. Comment By: October 22, 1997.

Docket No. **35-0103-9710**, Property Tax Rules. Permits county commissioners to cancel taxes in cases of erroneous assessment but stresses that “excessive valuation” does not make an assessment illegal. Comment By: October 22, 1997.

Docket No. **35-0103-9711**, Property Tax Rules. Provides a procedure for determining the value of operating property in annexed areas. Comment By: October 22, 1997.

Docket No. **35-0103-9712**, Property Tax Rules. Provides accurate procedures for allocation of railcar value. Comment By: October 22, 1997.

Docket No. **35-0103-9713**, Property Tax Rules. Changes make definitions of property categories which relates to school district ratios consistent throughout. Comment By: October 22, 1997.

Docket No. **35-0104-9701**, Idaho Estate and Transfer Tax Rules. Corrects references to Idaho Code for public records that are in error. Comment By: October 22, 1997.

Docket No. **35-0105-9701**, Motor Fuels Tax Rules. The separate rules governing the reporting, deductions, and documentation for both types of tax reports are being combined into one set of rules for the distributor's fuel tax report. Comment By: October 22, 1997.

Docket No. **35-0105-9702**, Motor Fuels Tax Rules. Repeals reporting and permitting requirements for special fuels tax permit holders who operate intrastate motor vehicles over 26,000 pounds gross vehicle weight and use special fuel on Idaho highways but defines which are required to be permitted in Idaho; add rules to govern reporting, documentation, and nontaxable uses for all motor fuels tax refund claims made by consumers; adds new mileage and fuel record keeping requirements; removes cross-references to special fuels permits which were repealed. Comment By: October 22, 1997.

Docket No. **35-0106-9701**, Hotel/Motel Room and Campground Sales Tax Rules. Corrects references to Idaho Code for public records that are in error. Comment By: October 22, 1997.

Docket No. **35-0107-9701**, Idaho Kilowatt Hour Tax Rules. Identifies where the chapter provides for administrative relief from administrative and enforcement provisions. Comment By: October 22, 1997.

Docket No. **35-0109-9701**, Idaho County Option Kitchen and Table Wine Tax. Corrects references to the Idaho Code for public records that are in error; makes bonding amount consistent with other taxes and to conform with statute. Comment By: October 22, 1997.

Docket No. **35-0110-9701**, Idaho Cigarette and Tobacco Products Tax. Corrects references to the Idaho Code for public records that are in error; makes bonding amount consistent with other taxes and to conform with statute. Comment By: October 22, 1997.

Docket No. **35-0111-9701**, Idaho Unclaimed Property Rules. Corrects references to Idaho Code for public records that are in error; clarifies that payroll includes all monetary payments from an employer to employee; confirmation letter from the payee stating that a debt is no longer due because the debt was satisfied will be sufficient to relieve the holder from liability. Comment By: October 22, 1997.

Docket No. **35-0111-9702**, Idaho Unclaimed Property Rules. Return of notice as undeliverable creates presumption of abandonment and notice must be retained in holder's records for 7 years; holders in Idaho may remit unclaimed property to Idaho for states with which Idaho has reciprocity agreements and clarifies who can use new exemptions; a report must meet the certain requirements is not a validly filed report unless it is complete; value of stock will be added to cumulative dividends for the purposes of the \$50 Idaho exemption; utilities must retain records of unclaimed deposits for a period of 7 years; interest must be computed from the original due date of the report when the administrator grants an extension and a discretionary late-filing penalty will apply if late. Comment By: October 22, 1997.

Docket No. **35-0111-9703**, Idaho Unclaimed Property Rules. Changes conform to statutory change and establishes when an obligation to pay a benefit will arise, and when unclaimed benefits will not be subject to Idaho's Unclaimed Property Laws. Comment By: October 22, 1997.

Docket No. **35-0112-9701**, Idaho Beer Tax Rules. Corrects references to the Idaho Code for public records that are in error; makes bonding amount consistent with other taxes and to conform with statute. Comment By: October 22, 1997.

Docket No. **35-0201-9701**, Administration and Enforcement Rules. Justifies the negligence penalty when a taxpayer fails to make available, when requested, the fifty-one state apportionment factor detail and corrects a reference. Comment By: October 22, 1997.

#### **IDAPA 38 - DEPARTMENT OF ADMINISTRATION**

**P.O. Box 83720, Boise, Idaho 83720-0003**

Docket No. **38-0404-9701**, Capitol Mall Parking Rules. Repeal of chapter. Comment By: October 22, 1997.

Docket No. **38-0404-9702**, Capitol Mall Parking Rules. Rewrite of chapter updates administration of Capitol Mall Parking Program to accommodate changes in facilities location, level of use, demand for parking spaces, and technological updates. Comment By: October 22, 1997.

#### **IDAPA 48 - DEPARTMENT OF COMMERCE**

**P. O. Box 83720, Boise, ID 83720-0093**

Docket No. **48-0101-9701**, Idaho Community Development Block Grant Program (ICDBG). Changes take community center applications from public facility category and set aside and include them in senior citizen center set aside to compete only with senior center applications which are similar in type and function. Comment By: October 22, 1997.

**PUBLIC HEARINGS** - Public Hearings have been scheduled for the following dockets:

##### **Department of Agriculture**

Docket No. **02-0414-9701** - Rules Governing Dairy Waste

##### **Industrial Commission**

Docket No. **17-0203-9702** - Rules Governing Security for Compensation

##### **Department of Lands**

Docket No. **20-0602-9701** - Licensing and Checkscapes of the Idaho Board of Scaling Practices

Docket No. **20-0602-9702** - General Rules, Licensing, and Check Scales of the Idaho

Board of Scaling Practices

Docket No. **20-0603-9701** - Scaling Specifications and Check Scaling Standards of the State

Board of Scaling Practices

Docket No. **20-0603-9702** - Measurement Rules for Forest Products of the State Board of Scaling Practices

Docket No. **20-06064-9701** - Forest Products Measurement for the Purpose of Payment for Logging or Hauling Logged Forest Products Only

##### **State Tax Commission**

Docket No. 35-0103-9712 - Property Tax Rules

Please refer to the Idaho Administrative Bulletin, **October 1, 1997, Volume 97-10** for notices and text of all rule-makings, public hearing schedules, governor's executives orders, and agency contact names.

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then Rules of the State of Idaho.